

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

BSI AG, individually and as successor in interest to
BANCO DEL GOTTARDO AG,

Defendant.

Adv. Pro. No. 12-01209 (CGM)

**ORDER DENYING BSI AG'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendant BSI AG (a/k/a BSI S.A.), individually and as alleged successor in interest to Banca Del Gottardo AG (“Defendant”) filed a motion to dismiss the Amended Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) on June 24, 2022. The parties stipulated to rest on their papers and waive oral argument on the Motion on October 4, 2022. The Court has considered the Motion, the papers filed in support

of and in opposition to the Motion, and the Amended Complaint. The Court issued a memorandum decision, dated November 18, 2022, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to Dismiss the Amended Complaint (ECF No. 122) is denied.
2. The deadline for Defendant to file an answer to the Amended Complaint (ECF No. 116) is February 28, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: November 30, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge